



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

MAY 10 2005

The Honorable John Conyers, Jr.  
Ranking Minority Member  
Committee on the Judiciary  
U.S. House of Representatives  
2138 Rayburn House Office Building  
Washington, DC 20515-6216

Dear Congressman Conyers:

Thank you for your March 9, 2005, letter in which you express concern that a Department of Agriculture (USDA) career employee may have violated the spirit of the Hatch Act and also request information about our political activity training. As you know, the Office of Special Counsel (OSC) investigated this matter and concluded that the "evidence indicate that [the USDA employee in question] was not engaged in activity directed toward the success of a political party, partisan candidate, or partisan political group." OSC thus concluded that the USDA employee in question did not engage in partisan political activity under the Hatch Act. Nonetheless, I share your concern that one of our employees might be perceived as favoring a partisan political cause while on duty.

In light of your concerns, let me assure you that USDA is now, and has been, aggressive in training its employees, career and non-career, on their rights and duties under the Hatch Act. Political activity training is provided at headquarters and training materials and aids are distributed to more than 100 ethics counselors in the field, who amplify and propound these rules in USDA offices throughout the country. Our political activity training is further amplified by the use of web-based modules, e-mails, wallet cards, and in-person training. While political activity training may be provided at any time, and may be taken at any time through the use of our web-based modules, we make political activity training a priority during presidential and mid-term election years.

The following actions, taken in preparation for the 2004 election season, exemplify USDA's commitment to upholding the letter and spirit of the Hatch Act:

- On July 17, 2004, the Chief of Staff issued a memorandum to USDA Subcabinet officials discussing and reemphasizing guidance issued by the White House Counsel concerning partisan political activity and political travel. In light of this memorandum, specialized materials were developed for and training was provided to special assistants to assist them in applying Hatch Act travel cost breakdowns;

- On March 23 and April 27, 2004, the Office of Ethics sponsored classroom courses on political activity taught by ethics experts to ensure that senior personnel understood the Hatch Act, its implementing regulations, and underlying principles;
- On October 4, 2004, the Chief of Staff issued a memorandum to all USDA employees, distributed by e-mail, reminding them about permissible political activities. The memorandum specifically emphasized that employees who wished to engage in permissible partisan political activity had to do so "on their own personal time and away from the worksite;"
- In June 2004, USDA circulated to non-career personnel, copies of two June 15, 2004, White House Counsel memoranda addressing attendance at the presidential nominating conventions, and attending convention receptions, dinners and similar events;
- During 2004, more than 5,400 USDA employees took our online training module on Political Activity (available at [www.usda.gov/ethics](http://www.usda.gov/ethics) under "Training Modules"). This module was updated by the Office of Ethics and was emphasized in the Chief of Staff's memoranda and during face-to-face training;
- USDA provided hundreds of colored laminated vest pocket cards with a summary of the political activity rules (one of three versions depending on employee status) to its employees;
- So that senior-level employees, headquarters personnel, and field ethics advisors would have immediate access to Hatch Act advice during working hours, the Office of Ethics:
  - Provided advice on as-requested basis on a multitude of Hatch Act issues. Questions were received through personal visitation, telephone inquiries, and e-mails via the Office of Ethics e-mail address ([DAEO.ethics@usda.gov](mailto:DAEO.ethics@usda.gov));
  - Maintained and updated its Hatch Act guidance found at its web site, where ethics counselors and employees could—and often did—e-mail questions on political activity and other ethics subjects;
  - Wrote and distributed an ethics newsletter to all USDA employees, which included an article (in question and answer format) entitled "Hatch Act for Federal Employees," which is still available at our ethics web site [www.usda.gov/ethics](http://www.usda.gov/ethics) under "Ethics Newsletters;"
  - Maintained close contact with the OSC and disseminated its political activity advisories to USDA agency mission area ethics advisors by e-mail for further distribution to the field; and,

The Honorable John Conyers, Jr.  
Page 3

- o Handed out the OSC publication "Political Activity and the Federal Employee" at ethics training for new and seasoned employees.

This listing does not mention the multitude of training opportunities and political activity issues handled by our mission area ethics advisors and their subordinate ethics counselors in the field -- where most of USDA's ethics and political training and advice occur.

In sum, I am committed to the principle that USDA's employees comply with the provisions of the Hatch Act and that, with specific regard to its career employees, they both be and be perceived to be impartial toward a political candidate or party while on official duty. I will continue to stress this principle during my tenure as Secretary and will maintain ethics and political activity training for personnel as a high priority. Although Hatch Act complaints against USDA employees are rare and involve only a small percentage of our career staff, that is no reason to relax our guard. Thank you for this opportunity to restate USDA's determination to continue to train our employees on impermissible political activities.

Sincerely,



Mike Johann  
Secretary